

Order

Michigan Supreme Court
Lansing, Michigan

June 29, 2011

Robert P. Young, Jr.,
Chief Justice

142595

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142595
COA: 301510
Genesee CC: 09-025524-FH

GARY WAYNE McCLANE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 18, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Genesee Circuit Court and REMAND this case to that court for resentencing with directions to score OV 9 at zero points. See *People v McGraw*, 484 Mich 120, 133 (2009), which states that “[o]ffense variables must be scored giving consideration to the sentencing offense alone” In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 29, 2011

Corbin R. Davis

Clerk